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ALASKA DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT

LOCAL BOUNDARY COMMISSION MEETING

Pages 1-63, inclusive

Wednesday, January 22, 2003

Commencing at 8:10 a.m.

550 West Seventh, Suite 1620

Anchorage, Alaska

1 ATTENDANCE

2 Kevin Waring, Chair
Allan Tesche, member
3 Bob Harcharek, member
Dan Bockhorst, DCED
4 Sheila Peterson, Aide to Senator Wilken
John Walsh, Lobbyist
5 Greg Streveler, Gustavus resident
Sue Stancliff, Aide to Representative Morgan
6 Marjorie Vandor, Assistant Attorney General
Myrna Gardner, LBC Member, Juneau
7 Jim Van Altvorst, Ketchikan
Debbie Muir, Tok LIO
8 Mary Martin
Donald Clarke
9 Liz Webb
Charlene Cleary
10 Duane Gasaway, Klawock City Office
Rich Carlson, Klawock School District
11 Bob Prunella, City Manager, Wrangell
Gary Lewis, Wrangell Council
12 William McMurren, Wrangell Council
Carroll Rushmore, Wrangell Economic Development
13 Director
Ardith Lynch, LBC Member, Fairbanks
14 Doris Field, Delta Junction LIO
Art Griswold, Delta Junction LIO
15 Janet Boyer, Delta Junction LIO
Liz Wright, Delta Junction LIO
16 Bruce Rogers, Delta Junction LIO
Phillip Simpson, Glennallen LIO
17 John Downs, Glennallen LIO
Lisa Von Barga, Valdez Community and Economic
18 Development
Dave Dengel, Valdez City Manager
19 Marj Harris, Skagway City Clerk
Mayor Tim Bourcy, Skagway Mayor
20

21 Reported By: Rosie S. Scott, Certified
Shorthand Reporter
22
23
24
25

2 Anchorage, Alaska, Wednesday, January 22, 2003

3 MR. WARING: Good morning. This is
4 Commissioner Waring. We'll call this meeting of
5 the Local Boundary Commission to order. It's
6 approximately 8:10, January 22, 2003.
7 The teleconference is originating at the
8 Department of Community and Economic Development's
9 Offices in Anchorage.

10 Mr. Bockhorst, will you please call the
11 roll of the Commission.

12 MR. BOCKHORST: Commissioner Waring?

13 MR. WARING: Here.

14 MR. BOCKHORST: Commissioner Tesche?

15 MR. TESCHE: Here.

16 MR. BOCKHORST: Commissioner Lynch?

17 MS. LYNCH: Here.

18 MR. BOCKHORST: Commissioner Gardner?

19 MS. GARDNER: Here.

20 MR. BOCKHORST: Commissioner Harcharek?

21 MR. WARING: Mr. Harcharek is expected at
22 the Anchorage site, but is not yet arrived.

23 We do have a quorum. We will proceed.

24 For the record, I would like to rotate
25 through the other teleconference sites and ask the

1 individuals who are present at those sites to
2 please identify themselves for the record.

3 I'll begin with the Juneau Legislative
4 Information Office site.

5 MS. PETERSON: This is Sheila Peterson
6 from Gary Wilken's office and Sue Stancliff.

7 MR. WARING: Thank you. The Juneau
8 Diamond Courthouse site.

9 MS. VANDOR: This is Marjorie Vandor from
10 the attorney general's office.

11 MR. WARING: The Ketchikan teleconference
12 site? Mr. Van Altvorst, are you at the Ketchikan
13 site?

14 MR. VAN ALTIVORST: No, I'm at my own
15 number. Thank you.

16 MR. WARING: Okay. Thank you.
17 The Tok Legislative Information office
18 site?

19 MS. MUIR: Debbie Muir.

20 MR. WARING: Thank you. Is it at the
21 Klawock site.

22 MR. GASAWAY: Duane Gasaway, City of
23 Klawock, city administrator and Rich Carlson,
24 superintendent, Klawock City School District.

25 MR. WARING: Thank you. The Wrangell

1 site?

2 MR. PRUNELLA: Bob Prunella, city

3 manager. (Indiscernible.)

4 COURT REPORTER: I didn't get catch all

5 that. I'm sorry.

6 MR. WARING: We're trying to get a

7 stenographic record. If you could, repeat who was

8 at the Wrangell site, please.

9 MR. PRUNELLA: Bob Prunella, city

10 manager; William McMurren, council person; Carol

11 Rushmore, economic development director.

12 MR. WARING: Thank you, sir. Eagle? Is

13 there anybody at a teleconference site in Eagle?

14 UNIDENTIFIED SPEAKER: I'm here.

15 MR. WARING: Gustavus?

16 MS. CRONDAHL: Shana Crondahl, Gustavus

17 Community Association.

18 MR. WARING: Thank you. The Delta

19 Junction LIO office?

20 MS. FIELD: Doris Field.

21 MR. GRISWOLD: Art Griswold.

22 MS. BOYER: Janet Boyer.

23 MR. WARING: Thank you. The Glennallen

24 LIO office?

25 MR. SIMPSON: Phillip Simpson.

1 MR. DOWNS: John Downs.

2 MS. WRIGHT: Liz Wright.

3 MR. ROGERS: Bruce Rogers.

4 MR. WARING: Thank you. City of Valdez?

5 MS. VON BARGEN: Hi, Lisa Von Bargaen,
6 Community and Economic Development and Dave
7 Dengel, city manager.

8 MR. WARING: City of Skagway?

9 MR. BOURCY: Mayor Tim Bourcy, Marj
10 Harris, city clerk.

11 MR. WARING: Thank you. Are there any
12 sites that I have not called where -- that have
13 signed in -- are connected in?

14 MR. LEWIS: This is Wrangell. We have
15 one addition, Gary Lewis, council person.

16 MR. WARING: Thank you. If there are no
17 other sites that have not identified themselves
18 for the record, we will proceed then.

19 The Commissioners had an agenda
20 circulated. Are there any changes suggested for
21 the agenda?

22 I would just like to note, under section
23 5A, I think we will also add to that discussion as
24 well, the draft chapter 1, which I think we would
25 intend to be part of the package information to be

1 distributed after our meeting, if that is
2 agreeable.

3 Any objections from Commissioners?
4 Hearing none, then, we'll move on to item 4, which
5 is comments by members of the Local Boundary
6 Commission. Are there any comments by
7 Commissioners at this point?

8 MS. LYNCH: Commissioner Waring, this is
9 Commissioner Lynch.

10 MR. WARING: Yes.

11 MS. LYNCH: I just wanted to advise you
12 that I may need to take a brief phone call during
13 our teleconference. I'll let you know. And I
14 would imagine I'll just have to absent myself for
15 a moment or two.

16 MR. WARING: Thank you for that
17 information. Any other comments? Hearing none,
18 then, we will move on to the main order of the
19 day, which is the review of the draft materials
20 for the unorganized borough study that the
21 Legislature, under Chapter 53, SLA 2002, directed
22 the Commission to prepare.

23 Before we move into the two agenda items
24 under topic 5, I guess I would like to set out
25 my -- propose an outcome for the Commissioner's

1 consideration and proceed on that expectation if
2 it is agreeable the Commission. There are two
3 items.

4 Let me let the record reflect
5 Commissioner Harcharek has arrived now at the
6 Anchorage teleconference site. Good morning.

7 MR. TESCHE: Under his own power I might
8 add.

9 MR. WARING: We do have, as I started to
10 say, two items under topic 5 there. One is a
11 review of the draft discussion of borough
12 incorporation standards. That is chapter 2 for
13 release to the public for comment. And by
14 amendment of the agenda, we've added chapter 1.

15 My suggestion for the Commission is that
16 we perhaps don't need to take any action on that
17 item so much as in the way of approving it for
18 release, simply directing staff to incorporate it
19 with item -- the item listed under B, that is,
20 chapter 3, which is a more substantive chapters.
21 1 and 2 are pretty much factual accounts of
22 presentation of material that have been circulated
23 to the Commission. And I think perhaps can be
24 provided as background to chapter 3.

25 MR. TESCHE: Mr. Chairman, I think that

1 approach is fine. I would have just a couple of
2 comments or recommendations on any cover letter
3 that would accompany chapter 3 as it is released
4 to the public for comments. So when we get to
5 that point, if I could be recognized on that.

6 MR. WARING: Certainly. That said, on
7 the second item, my suggestion for the
8 Commission's consideration is that we do need to
9 approve, after we have reviewed it, discussed it
10 and perhaps made amendments to it, we do need to
11 approve for release, chapter 3 as a public review
12 draft for comment by the public, in advance of our
13 scheduled statewide teleconference on
14 February 8th, which we will take public comment
15 and testimony on.

16 The public release draft of chapter 3, at
17 this stage in advance of having received any
18 public comment, my suggestion would be that it's
19 premature to endorse or approve it in any sense,
20 other than as a public review draft, that we would
21 be jumping the gun to approve it in any fashion
22 that would suggest an endorsement without having
23 had the benefit of public hearing.

24 So pending concurrence by the Commission
25 and we will reach -- see that at the time we

1 arrive at it on the agenda, that would be my
2 suggestion for how we -- what we need to do with
3 chapter 3.

4 As Commissioner Tesche suggested, it
5 might be appropriate to accompany that with a
6 cover letter. And I'm not sure what content
7 Commissioner Tesche has in mind, but a cover
8 letter perhaps that explained its significance?

9 MR. TESCHE: That will become known.

10 MR. WARING: Okay. I will leave it to
11 Commissioner Tesche to unveil his notion of what
12 the cover letter ought to contain.

13 For the benefit of those who are
14 listening at the various teleconference sites, I
15 hope my words have been clear. We don't intend to
16 take comment today on the proposed -- the draft
17 that the staff has prepared for the Commission's
18 consideration today.

19 That opportunity will arise after the
20 Commission has approved a draft for release. That
21 opportunity will arise by -- at the February 8th
22 teleconference, by written comment, as well, if
23 anyone would prefer to comment on the draft
24 chapter 3 in that matter or the other chapters.

25 So let us then go to item A. And I would

1 ask Mr. Bockhorst if he could, just to review in
2 an informational way for the staff, the status of
3 chapters of 1 and 2 and their content. And then
4 we will decide if we need to or what we shall do
5 as a Commission on that pair of items.

6 MR. BOCKHORST: Thank you, Mr. Chairman.
7 Draft -- I'll start with draft chapter 2. Draft
8 chapter 2 is an iteration of all of the standards
9 established in the constitution of the State of
10 Alaska, in the Alaska Statutes and in the Alaska
11 Administrative Code, regarding incorporation of
12 borough governments.

13 Included with that, in addition to simply
14 stating the law, is a detailed explanation history
15 intent -- constitutional intent, regarding the
16 various Constitutional, Statutory and
17 Administrative Code Standards.

18 So it's essentially a road map as to what
19 the constitution, the statutes and the Local
20 Boundary Commission have endorsed in the past
21 regarding borough incorporation.

22 Chapter 1 is not yet finished, in terms
23 of a document to be released. It is background
24 information about information such as the
25 direction given by the State Legislature with

1 regard to Chapter 53, Session Laws of Alaska 2002,
2 that's reviewed by the Commission. It is
3 information about the role of the local Boundary
4 Commission in borough formation versus the role of
5 the State Legislature. Information such as that,
6 which is covered in the Commission's work plan
7 that was approved previously. It is, in my view,
8 straight forward factual information that the
9 staff reserve to the end.

10 We wanted to get this discussion of
11 chapter 2 and the -- in particular the application
12 of the standards in chapter 3, made available to
13 the public for review prior to finishing the work
14 on chapter 1.

15 So 1 is yet -- we still have work to do
16 on that one. Chapter 2, as far as staff is
17 concerned, is after the Commission considers any
18 revision today, prepared for release immediately
19 to the public. And, Mr. Chairman, I don't know if
20 you wanted me to speak to chapter 3 as well?

21 MR. WARING: Not at this point.

22 MR. Bockhorst: Okay. Thank you.

23 MR. WARING: If I could add some
24 information. I believe that on -- was it December
25 31st that you circulated --

1 MR. Bockhorst: That is correct.

2 MR. WARING: That you circulated to
3 Commissioners a draft of chapter 2. And
4 subsequently yesterday, I think, circulated some
5 supplementary information --

6 MR. BOCKHORST: That is correct.

7 MR. WARING -- for the end of chapter 2.
8 This is for the information for the Commission.
9 One of my comments on reviewing it too,
10 Mr. Bockhorst, was that the discussion at the end
11 of chapter 2 on these standards, particularly of
12 the significance of the standards regarding
13 transition and the Civil Rights compliance was
14 ended fairly abruptly.

15 I suspect that it was time to go home,
16 December 31st, when Mr. Bockhorst got to that
17 point, and asked if he would simply elaborate in a
18 factual way on those standards. And he did supply
19 to Commissioners yesterday afternoon some
20 supplementary information.

21 We have not had a chance to review
22 chapter 1. As Mr. Bockhorst explained to you he's
23 in process of preparing that. But I believe the
24 intent is to supply that and chapter 2 along with
25 chapter 3 or --

1 MR. BOCKHORST: We're prepared
2 immediately to release chapter 2 and chapter 3,
3 Mr. Chairman. Chapter 1 is still -- you know, is
4 not yet finished.

5 So again, to me it is a factual -- I will
6 get that as quickly as possible, but I would like
7 a couple of days more to finish that.

8 MR. WARING: Well, I would certainly
9 entertain other thoughts from other Commissioners.
10 My thought is that our biggest interest here is
11 approving and issuing for public review chapter 3.
12 And would have no -- I'm not sure there is any
13 need to be, in view of the importance of that,
14 concerned about not circulating chapter 1 at this
15 time for public review, given the nature of it,
16 that it is more a gloss on -- for description of
17 the role of the commission and the legislature.

18 And chapter 2 is available for review.
19 Is there any contrary thought about simply issuing
20 it as background material and without needing to
21 take any particular action on it, simply need
22 staff to add that additional part to the end of
23 chapter 2 that was circulated yesterday on
24 transition?

25 MR. TESCHE: I concur.

1 MR. WARING: Commissioner Lynch?

2 MS. LYNCH: This is Commissioner Lynch.

3 I agree that that's a good approach.

4 MR. WARING: Commissioner Gardner?

5 MS. GARDNER: Mr. Chairman, that's fine.

6 MR. WARING: Okay. Then if we -- let me
7 state what I think we have done. We have just
8 told staff to, as part of the package, issue the
9 staff's version of chapter 2 with the addition of
10 that material that was circulated yesterday, and
11 with a clear indication that that is not final,
12 that it is subject to revision. But that --
13 encourage people to focus on chapter 3, where I
14 think there will be a great deal more public
15 interest.

16 And let us move on to that item then,
17 item B, which is our review of the draft that
18 staff has prepared for chapter 3. And this is the
19 chapter which reviews the facts regarding each of
20 the model borough -- model boroughs against the
21 various standards that apply to evaluating an
22 incorporation proposal from any of those areas,
23 and makes some findings, as we were directed by
24 the Legislature to do, on how those various areas
25 of the organized borough measure up, vis-a-vis the

1 applicable borough incorporation standards.

2 Before we begin I want to say, I'm
3 stunned by the amount of leg work and data
4 compilation and analysis that Mr. Bockhorst --
5 with mind you some significant help, but he is the
6 coordinator and main drafter of the chapter 3
7 materials that you see. I know that he has been
8 working weekends, some holidays, and certainly
9 evenings assembling this information in chapter 3.

10 He has gotten significant help from other
11 staff in the department, Laura Walters,
12 Steve Van Sant, the assessor, field staff who are
13 closer to some of the localities and have better
14 first-hand information, most current information
15 than published sources do on some of the facts in
16 these areas. I believe the department of
17 education --

18 MR. Bockhorst: Gene Kane.

19 MR. WARING: Gene Kane. I did not mean
20 to -- pardon me for that -- Gene Kane here, too,
21 in the Anchorage office put a great deal of time
22 in. And I probably omitted some others. I did
23 start to mention the Department of Education
24 supplied some of the educational data, data about
25 education and finances.

1 All I need to say is whatever action we
2 take on it, there has been an incredible staff
3 effort going on and over the holidays to help the
4 Commission fulfill the directive it was given by
5 the Legislature to prepare this report.

6 Let us go on. I'm up to the material
7 then. And, Mr. Bockhorst, is there anything in
8 advance that you particularly want to say to
9 characterize chapter 3 before --

10 MR. Bockhorst: Just state the obvious,
11 Mr. Chairman, what the department intended to
12 provide to the Commission is analysis by standards
13 grouped unto different categories, one being
14 economic viability, one being common -- regional
15 commonalities, one being size and stability of
16 population, and the other being the broad public
17 interest.

18 We broke the various standards into those
19 different categories, and then examined each of
20 the eight regions that the Commission had
21 previously determined were suitable for further
22 review with regard to the application of these
23 standards, and then provided whatever information
24 that we could find that we felt would be useful or
25 helpful to the Commission in making judgments with

1 regard to those applications of the standards.

2 And with that, I have no other comment.

3 MR. WARING: Okay. Let me -- for the
4 benefit of all, just essentially restate what the
5 Legislative directive was in the bill that was
6 passed last session. There were two sentences in
7 a bill that dealt with this and some other matters
8 that are pertinent. Essentially it directed the
9 Commission to go and review conditions in the
10 unorganized borough, and report back to the
11 legislature its findings on any areas that did
12 satisfy the standards now in law for formation of
13 a borough government.

14 The Commission -- pardon me -- the
15 legislature didn't ask us to make recommendations
16 or approve boroughs or anything of that sort. It
17 simply essentially sent us on a fact finding
18 mission to review conditions, match them up
19 against the standards for borough incorporation
20 and law, and report our findings back to the
21 legislature for its consideration.

22 Let me say for the benefit of
23 Commissioner Harcharek, who missed my opening
24 statement of what action I suggested the
25 Commission consider taking on item B, that is the

1 chapter 3: That we -- the Commission have our --
2 do a review of it, discuss any changes or
3 additions if we see fit to make. And at the
4 conclusion of our work today, issue it as a public
5 review draft without endorsement, that is, without
6 the Commission at this point reaching any
7 conclusions on the merits of the findings, and
8 simply defer that action until after we have had
9 our statewide teleconference.

10 So, let us begin with our 140 --

11 MR. HARCHAREK: Nine.

12 MR. WARING: Nine. Well, Commissioner
13 Harcharek has read it to the end. He knows what
14 the number of the last page is -- 149-page draft.
15 Again, for -- just for ease of our work, I suspect
16 if -- and we can go around and take each
17 Commissioner in turn to hear comments.

18 We may have some comments that are of an
19 editorial or such nature that we can agree on. We
20 don't need to vote on. We have some, at least one
21 on my part, suggested substantive addition that I
22 think should be a topic of vote.

23 But if we can, you know, screen out first
24 those that seem below the threshold of Commission
25 worrying to be delegated to staff to simply fix as

1 they see fit, that would be easier and we can
2 focus on discussion of any substantive revisions
3 or amendments that we might want to make.

4 That said, I will just -- first perhaps
5 rotate through Commissioners to ask if they have
6 provided or want to suggest now any changes of a
7 sort, that as I say, are probably beneath the
8 threshold of Commission's concern, but want to get
9 on record as directing staff to make.

10 And I'll begin with Commissioner Gardner.
11 Are there any changes that you wanted to suggest
12 that Mr. Bockhorst could carry out without any
13 formal direction from the Commission?

14 MS. GARDNER: No, Mr. Chairman, mine are
15 all things that the Commission needs to do.

16 MR. WARING: Thank you. Commissioner
17 Harcharek?

18 MR. HARCHAREK: I have none.

19 MR. WARING: Commissioner Tesche?

20 MR. TESCHE: None.

21 MR. WARING: Commissioner Lynch.

22 MS. LYNCH: No.

23 MR. WARING: I have a couple and I
24 believe Mr. Bockhorst did circulate them to you.
25 I did suggest that the public would have a much

1 easier time navigating this document if there were
2 a table of contents. And he prepared a table of
3 contents to be appended to the front of the
4 document. It just follows the outlines of the
5 chapters. That, I think, is a pretty straight
6 forward thing.

7 I also suggested that in the presentation
8 of the information for the -- as he navigated
9 through the standards, that we retain the same
10 order in discussing the areas consistently
11 throughout.

12 As I mentioned earlier, a number of hands
13 were helping in complying the information. They
14 didn't always follow the same sequence in
15 presenting information. I do think it would be
16 much clearer if we follow the uniform
17 presentation in geographic order.

18 Mr. Bockhorst also obtained from Juneau
19 staff, southeast staff, some updated information
20 on large transportation service to some of the
21 areas. That, too, seems information that he can
22 simply go ahead and incorporate without any need
23 for the Commission to tell him.

24 Those were the, I shall say, below the
25 threshold of concern kind of comments I had.

1 Let's move on to the other more
2 substantive comments. Perhaps we ought to simply
3 begin with a motion to act on the chapter and then
4 open it up for discussion or amendment.

5 MR. TESCHE: Mr. Chairman?

6 MR. WARING: Commissioner Tesche.

7 MR. TESCHE: Yes, I'm prepared to and
8 will move to present the staff recommendation
9 draft chapter 3 to the public for review and
10 comment within our time period with the
11 understanding certainly, that the Commission will
12 consider any recommendations, additions,
13 corrections, or deletions that the public might
14 offer, or that Commissioners might offer in
15 subsequent deliberations; that the action taken
16 today is merely to present this document into the
17 public domain for review and comment.

18 It doesn't yet constitute any official
19 action by the Commission on these matters, nor
20 any official action by the Commission, as required
21 by chapter 53 SLA 2002.

22 I do find that the draft is certainly
23 more than adequate for purposes of borough public
24 review during the next couple of weeks.

25 MR. HARCHAREK: Seconded.

1 MR. WARING: Moved by Commissioner
2 Tesche, seconded by Commissioner Harcharek,
3 essentially that the Commission release the
4 staff's draft chapter 3 as a public review draft
5 without endorsement at this time by the Commission
6 and for -- that it be issued for public review and
7 comment.

8 Discussion. And I'll let Commissioner
9 Tesche begin his -- if he would wish to discuss
10 the -- his motion.

11 MR. TESCHE: Briefly, Mr. Chairman, I
12 find that the staff has done an incredibly
13 thorough job in going through first the initial
14 areas that we considered previously, and then what
15 I understand to be eight different -- or areas
16 that, in their own ways, might qualify under state
17 law if petitions were presented at some later
18 date, such that I think those eight areas as
19 discussed by staff, with their analysis, would
20 warrant consideration by this Commission for
21 submission to the legislature.

22 So I find that the staff report was
23 thorough, well documented and incredibly well
24 researched. And certainly adequate at this time
25 for public comment. I feel benefited that we've

1 got so much work done already, so that when we do
2 hear from the public we can hear very specific and
3 focused comments from people in the various areas
4 mentioned. And that will only strengthen our
5 deliberations and the quality of the work product
6 that we'll present to the legislature.

7 So while I might quibble with some of the
8 language, while I might have written this somewhat
9 differently, I think the staff has done an
10 excellent job in getting this ready for public
11 comment.

12 MR. WARING: Thank you, Mr. Tesche.
13 Mr. Harcharek do you -- you seconded the motion?
14 Do you wish to add anything.

15 MR. HARCHAREK: I concur with Mr. Tesche.
16 It is extremely well researched, and very
17 easily -- the ease of readability is phenomenal.

18 I really have no specific recommendations
19 or comments until after I hear from the public,
20 because I do believe that the public is going to
21 comment substantially on some of the areas. And
22 I'm very anxious to hear those comments before I
23 make any further -- state my opinions.

24 MR. WARING: Thank you, Commissioner
25 Harcharek.

1 Commissioner Gardner, you indicated that
2 you had some points that you might wish to discuss
3 about the draft chapter 3. If you would wish to,
4 I will give you the opportunity now.

5 MS. GARDNER: Thank you, Mr. Chairman. I
6 concur with the other Commissioners that this is
7 an excellent report by the staff as to what they
8 have researched and found as a preliminary for the
9 public review.

10 My concerns with respect to it were more
11 addressed into the economic viability based upon
12 current conditions. And I think that once we
13 publish this and we have the meeting -- the
14 hearing on the -- February, that at that time
15 we'll evaluate it as a Commission, and I'm fine
16 with that.

17 MR. WARING: Thank you, Commissioner
18 Gardner.

19 Commissioner Lynch?

20 MS. LYNCH: Well, I concur that the
21 amount of factual information in this draft is
22 almost overwhelming. I'm satisfied with this
23 document for review draft. And I look forward to
24 the public comment on it.

25 MR. WARING: Thank you, Commissioner

1 Lynch.

2 For myself, I've already said I think
3 that the staff has done an outstanding job in
4 compiling, organizing, and presenting all of this
5 factual data. No doubt there is a fact wrong
6 somewhere, but the staff was working with
7 secondary data for the most part, and the report
8 can only be as good as the facts that staff were
9 able to obtain.

10 I did have two insertions that I would
11 offer for the Commission's consideration. Mainly
12 they relate to the discussion in the latter part
13 of the document on the application of the model
14 borough stand -- pardon me -- the model borough
15 standards, and the application of the best
16 interest standards.

17 What -- I believe Mr. Bockhorst has
18 circulated to Commissioners that information. I
19 will not read it. Basically, there is one
20 insertion proposed at page 138. I think on the
21 document that you were circulated, it was the
22 second comment, and it was mistyped to be inserted
23 at page 186. It's actually page 138 following
24 line 19.

25 What the information is that I offered

1 for consideration to insert was essentially a
2 citation from a state supreme court case, Yakutat
3 versus the Local Boundary Commission, where the
4 court made some comments that I think illuminate
5 how, in the state supreme court's mind, the
6 Commission is to apply Article 10, Section 3 to
7 the Constitution and certain statutory standards
8 that derive from Article 10.

9 I thought that part of our role in this
10 document is to supply that kind of information to
11 the public. And so because this court decision
12 and the language that I've cited is so pertinent,
13 I thought it would be good to insert it there as
14 part of that discussion of the model borough
15 boundaries on page 138 and following.

16 So...

17 MR. TESCHE: Mr. Chairman, does the Chair
18 wish to entertain a motion to adopt the amendments
19 that you have prepared?

20 MR. WARING: I think that would be proper
21 if some motion is to decide.

22 MR. TESCHE: I'll move.

23 Mr. Tesche has moved to add the second
24 item, the additional information for page 138. Is
25 there a second?

1 MS. LYNCH: This is Commissioner Lynch,
2 I'll second.

3 MR. WARING: Moved and seconded by
4 Commissioner Tesche, seconded by Commissioner
5 Lynch to amend chapter 3 to add that insertion on
6 page 138.

7 I -- Commissioner Tesche has made the
8 motion. I at least have explained my reason for
9 suggesting it. I don't know if Commissioner
10 Tesche --

11 MR. TESCHE: I concur.

12 MR. WARING: Is there any other further
13 discussion?

14 Mr. Bockhorst, please call the roll.
15 It's been moved and seconded that item 2 on the
16 comments circulated -- the insertions circulated
17 to the Commission to add material at page 138, be
18 approved. The yes vote is to add that material.

19 MR. Bockhorst: Commissioner Tesche?

20 MR. TESCHE: Yes.

21 MR. BOCKHORST: Commissioner Lynch?

22 MS. LYNCH: Yes.

23 MR. BOCKHORST: Commissioner Gardner?

24 MS. GARDNER: Yes.

25 MR. BOCKHORST: Commissioner Harcharek?

1 MR. HARCHAREK: Yes.

2 MR. BOCKHORST: Commissioner Waring?

3 MR. WARING: Yes.

4 That is added. And the second item --
5 and it is numbered one on the material that Mr.
6 Bockhorst circulated, would be inserted at page
7 146, at line 36. And this is in the discussion of
8 the best interest standard.

9 Already cited in this section is Article
10 10, Section 1, and other discussion that portrays
11 the constitutional direction, at least, that in
12 part defines what the State's best interest is in
13 the formation of local government.

14 My thought was that Article 1, Section 1,
15 which is part of the very first article and
16 section of the constitution and the declaration of
17 rights under the constitution, nicely sets out
18 both the rights that citizens have, and
19 corresponding obligations that seem to be an
20 element, should be a background element of our
21 analysis of what the best interest of the State
22 would be.

23 And so I thought that this was a
24 pertinent reminder to include here for the public
25 as a dimension of what the Commission considers in

1 assessing what the best interest of the State is,
2 and going back to our fundamental document, the
3 constitution.

4 So if any Commissioner would wish to --

5 MR. HARCHAREK: Mr. Chairman?

6 MR. WARING: Commissioner Harcharek?

7 MR. HARCHAREK: I concur with your
8 justification for it and move to include it as
9 stated. Because it does set out the obligation of
10 the people to the State and vice versa.

11 MR. WARING: Commissioner Harcharek has
12 moved to add that item 1, that has been circulated
13 to Commissioners, citing Article 1, Section 1.

14 Is there a second?

15 MS. LYNCH: This is Commissioner Lynch.
16 I'll second the motion.

17 MR. WARING: Commissioner Lynch has
18 seconded. Is there any discussion?

19 Hearing none, Mr. Bockhorst, please call
20 the roll on the motion to add item 1 at page 146
21 to the draft text.

22 MR. Bockhorst: Commissioner Harcharek?

23 MR. HARCHAREK: Yes.

24 MR. Bockhorst: Commissioner Lynch?

25 MS. LYNCH: Yes.

1 MR. Bockhorst: Commissioner Tesche?

2 MR. TESCHE: Yes.

3 MR. Bockhorst: Commissioner Gardner?

4 MS. GARDNER: Yes.

5 MR. Bockhorst: Commissioner Waring?

6 MR. WARING: Yes.

7 We've added that item then.

8 Is -- are there any other revisions of
9 any sort that any Commissioners would care to make
10 or offer for consideration in chapter -- the
11 chapter 3 draft?

12 Hearing none, we will go back to the main
13 motion, which is Commissioner Tesche's motion. I
14 will summarize it, but make sure I have summarized
15 it correctly. That the Commission approve for
16 release as a public review draft, the draft
17 chapter 3 as amended for public comment. And that
18 the Commission does not, at this time, endorse the
19 findings of chapter 3, but is issuing it as a
20 public review draft.

21 Have I caught the essence, Commissioner
22 Tesche?

23 MR. TESCHE: That is correct.

24 MR. WARING: And seconded by Commissioner
25 Harcharek. A vote yes is a vote to approve

1 release of the draft as a public review draft.

2 Mr. Bockhorst, please call the roll.

3 MR. BOCKHORST: Commissioner Tesche?

4 MR. TESCHE: Yes.

5 MR. BOCKHORST: Commissioner Harcharek?

6 MR. HARCHAREK: Yes.

7 MR. BOCKHORST: Commissioner Lynch?

8 MS. LYNCH: Yes.

9 MR. BOCKHORST: Commissioner Gardner?

10 MS. GARDNER: Yes.

11 MR. BOCKHORST: Commissioner Waring?

12 MR. WARING: Yes.

13 We've approved the chapter 3 for release

14 as the public review draft.

15 Has someone new signed in or signed

16 off -- connected in or connected off? If you're

17 connected off you can't tell me I think.

18 That takes care of that. I believe

19 Commissioner Tesche you had --

20 MR. TESCHE: Mr. Chairman, I don't know

21 if the staff or the Chair have thought about how

22 this would be accompanied by a cover letter, but I

23 do have some recommendations. And if the staff

24 can read my handwriting, so far so good.

25 I would summarize what I've recommended

1 and that would be that there be a cover letter of
2 some sort that accompanies this draft chapter 3
3 and that essentially, the packets contain the
4 following materials: Number 1, this cover letter;
5 Number 2, the referenced statute, which I think is
6 chapter 53 SLA 2002. And then, of course, the
7 review materials for chapter 3.

8 The letter that would accompany this
9 would simply indicate that this action is being
10 taken by the Commission pursuant to a state law
11 which imposes a deadline of February 19th, 2003.
12 The public comment on this preliminary draft --
13 and that's spelled all caps, bold face
14 D-R-A-F-T -- is certainly requested and would
15 provide instructions on how that written comment
16 could be supplied and by when.

17 And similarly, announcing procedures for
18 a teleconference that the Commission, I believe,
19 has scheduled on February 8th to actually receive
20 oral comment.

21 And then in bold face -- and what that
22 means is large black disturbing type in a box, or
23 two boxes, toward the middle of this letter --
24 language that would read as follows, or in
25 substantially the same form: "Readers are advised

1 that neither preparation of this DRAFT" -- and
2 that's spelled all caps D-R-A-F-T -- "report nor
3 submission of a final report to the legislature
4 as required by state law constitutes any formal
5 action or effort by the Local Boundary Commission
6 or its staff to actually incorporate or even begin
7 the process of incorporation of any new local
8 government.

9 "Procedures for formation of new local
10 governments are set in out in Alaska Statutes,"
11 and then a citation reference. "And among other
12 things, require extensive notice to areas
13 affected, formal and lengthy public hearings. A
14 site visit by Commissioners, none of which have
15 occurred with respect to any municipality
16 discussed in this report.

17 "Similarly, submission of this report for
18 public comment or to the legislature for its own
19 purposes does not constitute a formal or informal
20 recommendation to the legislature or any other
21 entity regarding the incorporation of any new
22 local government.

23 "Such recommendation by the Commission
24 may come only in the context of a formal
25 proceeding for incorporation, which of course has

1 not been initiated with respect to any
2 municipality discussed in this report."

3 I am concerned that when our draft
4 reaches the media and the public, there could be a
5 misconception by those of -- who might read this
6 stuff too quickly, that some how the Commission,
7 on its own, is recommending the formation of any
8 new municipal government, or worse still, that the
9 Commission is actually initiating formal
10 proceedings to "boroughize" any part of Alaska.

11 That sort of misinformation, more than
12 being just misleading is harmful to our purposes
13 and certainly those of the legislature as well,
14 because it may tend to tie the hands of the
15 legislature or taint whatever purpose Senator
16 Wilkens had of making this request of us.

17 So I think a very strong and clear
18 disclaimer that would accompany our report would
19 make it very clear exactly what we are doing, and
20 probably more important, what we are not doing,
21 and that we are leaving the possibility of
22 incorporation of new municipalities precisely
23 where it belongs; first, to the people in those
24 areas that might wish to incorporate and to the
25 degree the legislature might consider that for

1 their own purposes, which we don't comment on
2 here.

3 So it's kind of long winded
4 recommendation to staff over a letter, but I think
5 it would be important to make sure people
6 understand what we're up to.

7 MR. HARCHAREK: Mr. Chairman?

8 MR. WARING: Commissioner Harcharek?

9 MR. HARCHAREK: I totally concur with
10 Commissioner Tesche on this. My concerns were
11 well expressed by Commissioner Tesche and why,
12 what we are doing and what we are not doing.
13 Because already I've heard some of the flak that's
14 coming out from one of these districts. And I
15 think this is an excellent way of setting the
16 record clear and keeping this as a neutral
17 commission and not taking sides in any sense of
18 the word. I concur with that. I like that idea.

19 MR. WARING: Any comment, I'll just ask
20 in turn, from Commissioner Gardner on the contents
21 Commissioner Tesche has proposed for a draft cover
22 letter?

23 MS. GARDNER: Thank you, Mr. Chairman. I
24 concur with Commissioner Tesche and Commissioner
25 Harcharek.

1 MR. WARING: Thank you. Commissioner
2 Lynch?

3 MS. LYNCH: I concur also.

4 MR. WARING: Commissioner Lynch, are you
5 there.

6 MS. LYNCH: Yes, I concur also.

7 MR. WARING: Thank you. And so do I.
8 This is Commissioner Waring. I think we have
9 already seen in some news reports, misconstruals,
10 even on editorial pages of a major newspaper in
11 this state.

12 MR. TESCHE: I think to maintain
13 excellent relations with the media, which is
14 something that a great Commission should always
15 strive to do, we could require that before
16 reporters pick up a press packet that they sign
17 and acknowledge that they've read and reviewed and
18 understood this disclaimer. And they prove that
19 with a thumb print.

20 MR. WARING: If Commissioner Tesche has
21 provided a sketched out, handwritten draft of the
22 content that he has outlined -- Mr. Bockhorst is
23 trying to tell up from down on Commissioner
24 Tesche's handwritten draft.

25 I concur that we do need to put it out

1 with that proper characterization. I think I
2 would suggest, beyond that, that perhaps there can
3 be some summary of the action that the Commission
4 did take at its December 8th meeting. That is
5 when we did that tier one reduction down to eight
6 areas, and some summaries of the findings. And
7 I'm really thinking that it ought to be a quite
8 brief finding of what the substance of what --

9 MR. TESCHE: It's almost like an
10 executive summary.

11 MR. WARING: Exactly.

12 MR. TESCHE: I agree with that. I think
13 that's a good one.

14 MR. WARING: I think that we need to
15 assist people to find out what the nub of that
16 report is.

17 MR. TESCHE: Yes.

18 MR. WARING: There is a -- and we can see
19 if we can concur on that. There is one other
20 topic that I did not want to bring up in the
21 context of the draft 3 report. But if it would be
22 agreeable to the Commission, what I would like to
23 put in the cover letter or cover material, and
24 that is this: I have some thoughts in my mind
25 about the most appropriate model borough

1 boundaries for one area in particular. And that
2 is what is now the -- pardon me -- the item
3 proposed is a model borough and that includes
4 Angoon, Cube Cove, and Kake.

5 Those are the areas in that model
6 borough boundary. Kake is an independent school
7 district now. Angoon is part of the Glacier Bay
8 School District. And, in fact, is headquarters
9 for that district. If you recall the factual
10 information, both in terms of population and
11 economy, that seemed an area worth a hard look.
12 And as to its viability, I think it's also unlike,
13 to me at least, the others, worth a hard look as
14 to whether that continues --

15 MR. BOCKHORST: Mr. Chairman? Excuse me.

16 MR. WARING: We are hesitating a moment
17 to insert another tape.

18 (Tape inserted.)

19 MR. WARING: To continue, I think that
20 there might be merit in considering alternative
21 configurations for model borough boundaries in
22 that area. One of which might be, given that
23 Angoon and Cube Cove already are part, I believe,
24 of the Glacier Bay School District. And
25 obviously, Angoon has potential to serve as a or be

1 part of that area as a governmental body.
2 Education after all is the main educational
3 service -- not the only, but the main educational
4 service.

5 I would like to be able to forewarn
6 people that one Commissioner, at least, would like
7 to look at a configuration that would either
8 consolidate that entire model borough, Chatham
9 Model Borough with Glacier Bay, or alternatively
10 put the northern part into Glacier Bay and the
11 southern part, perhaps Kake, that is with
12 Wrangell/Petersburg, or simply omit it.

13 MS. GARDNER: Mr. Chairman?

14 MR. WARING: If I may finish, I'll
15 certainly give you a chance to speak, Commissioner
16 Gardner.

17 And all I would like to do is alert
18 people that this idea for an alternative
19 configuration would be on the table, so that
20 people can comment on it. I did not want to go in
21 and require big revisions in the report, but
22 really to have a brief appendix that would alert
23 people to the fact that we will perhaps be
24 considering that change configuration, supply some
25 information.

1 I think that Mr. Bockhorst can probably
2 compile pretty quickly the kind of financial and
3 other information about those alternative
4 configurations, so that people can comment. I
5 don't want to spring that idea without people
6 having been forewarned that that possibility will
7 not -- now one of the model boroughs is one that
8 may be discussed.

9 And I suggest if there are any other
10 alternative configurations of that sort, we ought
11 to alert people to it, rather than not give
12 forewarning, so that it be can be commented on.

13 Commissioner Gardner?

14 MS. GARDNER: Thank you, Mr. Chairman.
15 Although I appreciate what you've brought forward
16 to the Commission, we've been -- the legislative
17 directive was to look at the unorganized, in
18 respect to the model borough, and not alternative
19 configurations. And ideally, if we were going to
20 address our own potential configurations for
21 "boroughization" of unorganized areas, we could have
22 done that with all of the areas.

23 And I think that ultimately, we need to
24 stay in line with what our task and our
25 responsibility was with respect to the legislative

1 directive.

2 And I don't agree that we should be
3 putting any appendixes or recommendations or any
4 thoughts out there that says well, here's possibly
5 some other alternative, when we haven't been
6 provided reports or studies or analysis by staff
7 on those. Thank you.

8 MR. WARING: Thank you, Commissioner
9 Gardner. Any comment from other Commissioners?
10 Commissioner Tesche?

11 MR. TESCHE: Yes, I understand and
12 appreciate what Commissioner Waring has done for
13 the Commission. I certainly will look very
14 carefully at what he might propose, particularly,
15 if we receive it in advance, which I know we will.
16 To the degree possible, if we can receive, as
17 well, any staff commentary on that, either before
18 or during the public hearing on the 8th, that
19 would be helpful to me as well.

20 But at this stage it's hard for me to
21 comment on the substance of this until I see
22 precisely where this would fit into the report and
23 I can see how it fits in. So I would appreciate a
24 comment by staff, at least at that hearing on the
25 8th.

1 MR. WARING: Well, this is Commissioner
2 Waring again. I think that implicit in chapter 3,
3 and certainly voiced in earlier Commission
4 meetings on this study, we have actually discussed
5 the prospect that we will consider an alternative.

6 We have invited people to propose
7 alternative boundaries than the model borough
8 boundaries, if they felt that there was a basis in
9 fact for that. I think we have had on line some
10 people who might well be affected if we were to
11 consider, within the scope of chapter 3, this
12 particular alternative. They are already warned
13 that at least one Commissioner would want to
14 discuss that.

15 I think that possibility is implicit in
16 the -- in chapter 3, where we do discuss the model
17 borough boundaries and implicit in the directive.
18 And so I guess I think that it is reasonable to
19 expect we might look at alternative
20 configurations.

21 And if we don't make explicit mention of
22 it in the cover letter, I think that would be
23 fine. But I think I will ask staff to supply to
24 the Commission some specific information that
25 might be helpful to us if we do want to consider

1 that different configuration at our February 8th
2 meeting or after that.

3 MR. TESCHE: Mr. Chairman?

4 MR. WARING: Commissioner Tesche.

5 MR. TESCHE: Yes, question. Would the
6 reconfiguration that you propose involve removing
7 any area from within an existing borough?

8 MR. WARING: No, it would not.

9 MR. TESCHE: So what you're really
10 proposing is a different way of looking at a new
11 borough, wholly within the unorganized borough and
12 in a fashion that might be different from the
13 approved model borough boundaries?

14 MR. WARING: That is correct.

15 MR. TESCHE: Well, it would seem to me,
16 that based on the past practice and history of
17 this Commission, on prior applications we have,
18 over time, considered and actually approved local
19 governments whose new boundaries or proposed
20 boundaries don't necessarily completely or neatly
21 conform to the approved model borough boundaries.

22 Now, having said that, that's always an
23 issue. And one of the findings the Commission
24 makes, as I recall, is some sort of an explanation
25 as to why the proposed local government should

1 be -- should proceed with either the incorporation
2 or the annexation, even though it doesn't
3 necessarily meet the local, or the approved model
4 borough boundaries. That presumably will be part
5 of the discussion when you bring your motion
6 forward. And I look forward to that discussion.

7 MR. WARING: I believe -- this is
8 Commissioner Waring again -- Commissioner Tesche
9 has characterized the standard correctly as it
10 reads in our regulation. Mr. Bockhorst, correct
11 me, there is a presumption in favor of the model
12 borough boundaries, but for good reason, the
13 Commission has latitude to amend that to -- given
14 the facts, to ensure that whatever decision or
15 finding it makes is in compliance with the
16 totality of the standards.

17 Who is about to speak?

18 MS. GARDNER: Commissioner Gardner.

19 MR. WARING: Yes, Commissioner Gardner.

20 MS. GARDNER: Mr. Chairman, with respect
21 to that then, any one of the Commission acting
22 within itself -- within their self, can propose an
23 alternative to be added to this draft report that
24 we've already approved by motion?

25 MR. WARING: Yes.

1 MS. GARDNER: We've already approved this
2 particular draft as presented and amended. Now
3 we're saying one Commissioner can get document --
4 or an idea to the staff and have a different
5 analysis or consideration?

6 MR. WARING: We've approved it as a
7 public review document. We haven't approved it as
8 anything that the Commission endorses. We've
9 approved it for the purposes of promoting some
10 focused public discussion on the findings as they
11 now stand.

12 What -- implicit always, I think, has
13 been the possibility of considering other
14 configurations, or voting -- not concurring in the
15 draft report as it now stands.

16 My purpose is -- was wanting to give
17 early notice that there was at least one different
18 configuration of borough boundaries in one
19 particular area of the state, that I thought might
20 have some merit as an alternative to the model
21 borough boundary as it is now characterized for
22 that area.

23 Certainly, other Commissioners between
24 now can forewarn the Commission and the public, or
25 bring it up at that February 8th or after meeting

1 that they do not concur, that any particular area
2 satisfies the standards, or that they think some
3 different configuration would better satisfy the
4 standards than say, the model borough boundary for
5 a given area does.

6 So I -- you know, I think no one
7 Commissioner, obviously, can unilaterally speak
8 for the Commission on this. I think any of us,
9 depending on how we assess the facts and see
10 the standards, certainly has the obligation, not
11 just the option, of putting an alternative idea
12 before the Commission for discussion and
13 collective Commission decision.

14 MR. TESCHE: Mr. Chairman?

15 MR. WARING: Commissioner Tesche.

16 MR. TESCHE: One final comment for the
17 benefit of Commissioner Gardner. As the maker of
18 the motion to approve the staff draft of chapter
19 3 for public comment, it was certainly not my
20 intent, and I don't believe the Commission's
21 intent, to indicate its approval of that draft or
22 anything contained therein, and at this time.
23 Simply that the document is sufficiently well
24 written to now test it with public scrutiny and
25 public comment such that after we receive that

1 public scrutiny and comment and consider any
2 amendments that the Commissioners may wish to
3 offer on February 8th, we can decide whether to
4 present that document or an amended version of
5 that document to the legislature.

6 So we've not approved anything yet,
7 except its release for comment.

8 MS. GARDNER: Thank you Mr. --
9 Commissioner Tesche, for that clarification.
10 My -- when we were in the December meeting, we had
11 specifically narrowed the analysis and the report
12 work for this staff to the 8th because of the time
13 constraint, and the fact that we had to make a
14 report to the legislature by February. And we
15 specifically had discussions on that we were going
16 to look at just those eight areas under the scope
17 of the model borough and make a report and finding
18 on that situation.

19 So I just wanted to clarify that I think
20 that what you're proposing, or discussing
21 proposing, kind of deviates from our original
22 intent.

23 MR. WARING: This is Commissioner Waring.
24 It was not my understanding that we were fixing
25 those boundaries without possibility of change,

1 but that we were just defining candidate areas
2 that we would then proceed to look at in terms of
3 the other standards, other than a first look at
4 economic viability. We hadn't, at that stage,
5 even looked at the model borough standard for the
6 areas.

7 In any case, my suggestion -- and I will
8 withdraw any suggestion we supplement the cover
9 letter with material that deal with this. I think
10 I have accomplished my purpose. I think that the
11 Commission can, as a group, decide on the
12 appropriateness and advisability of any alteration
13 of the model borough boundaries when we do come to
14 that issue after the February 8th teleconference.

15 So I think that for the moment it can be
16 left a non-issue, to come to a head at that point.

17 Can we return to Commissioner Tesche's
18 suggestion for a cover letter? And I don't think
19 we can write that cover letter now, but I think it
20 might be appropriate. We've heard the content
21 that Commissioner Tesche suggested, with the
22 additional thought of some summary discussion of
23 our action at the December 8th meeting and a brief
24 statement, or very executive summary of the
25 content of chapter 3.

1 If -- it might be appropriate to have a
2 motion to direct staff to prepare such a cover
3 letter in the spirit of what Commissioner Tesche
4 said and provide it in a draft, and these
5 additional items, and simply direct staff to
6 proceed to prepare that cover material to
7 accompany distribution of chapter 3.

8 MR. TESCHE: Mr. Chairman, I also move,
9 with the understanding that staff certainly has
10 traditional editorial latitude to prepare the
11 final version of this. It certainly doesn't need
12 any additional oversight from me. Perhaps the
13 Chair, but I certainly am comfortable that staff
14 understands the drift of what we've recommended.

15 MS. GARDNER: I'll second that motion,
16 Mr. Chairman.

17 MR. WARING: Thank you. Moved by
18 Commissioner Tesche, seconded by Commissioner
19 Gardner, that we direct staff to prepare and
20 issue, as cover material, the cover letter and
21 other materials we have discussed.

22 Is there any discussion?

23 MS. LYNCH: Mr. Chairman?

24 MR. WARING: Commissioner Gardner?

25 MS. LYNCH: No, this is Commissioner

1 Lynch.

2 MR. WARING: Oh, Commissioner Lynch.

3 MS. LYNCH: Did we take action on

4 Mr. Tesche's prior motion? Is this an amendment?

5 MR. WARING: No.

6 MR. TESCHE: Did we pass -- I think she's

7 asking did we pass the prior motion to send

8 chapter 3 draft to the public. I think we --

9 MR. WARING: Yes, we did.

10 MR. LYNCH: Not that one, the cover

11 letter. You had moved about -- I thought you

12 motioned about the cover letter already.

13 MR. TESCHE: I don't recall.

14 MR. WARING: I don't believe he had a

15 motion. I think he just presented the --

16 MR. TESCHE: I think I just made the

17 motion.

18 MR. WARING: So until this, there was not

19 a motion. There was just a discussion by

20 Commissioner Tesche of a contact for a draft cover

21 letter.

22 MR. LYNCH: Okay.

23 MR. WARING: So the motion is before the

24 Commission to approve the draft letter and other

25 cover material. Is there any discussion?

1 Mr. Bockhorst, please call the roll. A
2 vote yes is to have staff prepare and accompany
3 the draft chapter 3 with the letter we've
4 discussed with cover materials. Mr. Bockhorst.
5 MR. BOCKHORST: Commissioner Tesche?
6 MR. TESCHE: Yes.
7 MR. BOCKHORST: Commissioner Gardner?
8 MS. GARDNER: Yes.
9 MR. BOCKHORST: Commissioner Lynch?
10 MS. LYNCH: Yes.
11 MR. BOCKHORST: Commissioner Harcharek?
12 MR. HARCHAREK: Yes.
13 MR. BOCKHORST: Mr. Waring?
14 MR. WARING: Yes.
15 Okay. That is accomplished. Is there --
16 we ask Mr. Bockhorst, is there anything more that
17 you need from us to proceed? I'll take up
18 discussion of the teleconference arrangements in a
19 moment.
20 MR. BOCKHORST: No, sir.
21 MS. VANDOR: Mr. Chairman, this is
22 Marjorie Vandor. I'm going to need to sign off.
23 MR. WARING: Thank you for sitting in
24 Marjorie.
25 MS. VANDOR: I'll wait to get my draft.

1 MR. WARING: Thank you. Bye-bye now.

2 Then that concludes what we do need to do
3 today on chapter 3.

4 Let me take up one other item here
5 regarding the upcoming teleconference, before we
6 move on to the annual report. And that is I've
7 been working with Mr. Bockhorst to arrange an
8 extensive statewide teleconference. Dan, as
9 usual, has done most of the work. On February
10 8th, we have not, I believe, yet published?

11 MR. BOCKHORST: That's correct.

12 MR. WARING: Published notice of it.
13 But it provides for a schedule of statewide
14 teleconferences -- teleconference locations. I
15 think I see approximately 10 or 11. I'm not sure
16 exactly how many teleconference sites that will be
17 able to be on line throughout the whole of the
18 February 8th meeting.

19 We've also made arrangements for
20 individuals who would wish to testify to call in
21 and address the Commission. We will base the
22 teleconference site, actually, at the legislative
23 information office here in Anchorage, rather than
24 at the departmental offices. They have superior
25 conference facilities that will enable us to do

1 the gate keeping on incoming calls in a manner
2 that we cannot here.

3 We have basically set up a schedule of
4 rotating through the various sites with an
5 allotted time slot so that people in various
6 areas -- we've organized it by model borough
7 boundary region -- will know when they will have a
8 sure opportunity to testify. If we have any dead
9 moments we will fill in with others who are on
10 line and would like to take advantage of the
11 moment.

12 But we've done our best to arrange this
13 and for the convenience for those who would like
14 to testify, so that they will know when they will
15 have an opportunity to make fullest use of the
16 time and fairest use of the time.

17 It is difficult to arrange structure -- a
18 conference of this sort in advance, not knowing
19 who and how many will want to testify at various
20 locations.

21 This will be issued, too, along with the
22 report provided to our lengthy list of individuals
23 who may have kept apprised of the progress of our
24 study effort here.

25 Mr. Bockhorst, did I -- oh, we do need to

1 forward the report to the legislature, I believe
2 on February 19th. We have invited people to
3 submit written materials, if they would wish, by
4 e-mail or other form that can be provided to the
5 Commission in advance of the February 8th
6 teleconference. We will accept, for information,
7 anything that comes in after that and make it part
8 of the record up until February --

9 MR. BOCKHORST: 14th.

10 MR. WARING: 14th. So that information
11 will be part of the record that we can forward to
12 the legislature. Is there anything I have omitted
13 to --

14 MR. BOCKHORST: I can't think of
15 anything.

16 MR. WARING: We will begin at 9:00 sharp
17 with that teleconference, simply because we will
18 want to do our best to keep to that schedule,
19 which will be announced and which people will be
20 expecting us to honor.

21 We have no way of knowing when the
22 teleconference will end, but we will continue
23 until everybody who would wish to, has had a
24 reasonable opportunity to speak to the Commission.
25 And we will decide at the end of that meeting what

1 action we need to take on the report as a whole,
2 what emendations or revisions we need to direct
3 staff to prepare, so that staff will have time to
4 prepare, print and et cetera, the report that we
5 will be forwarding to the legislature.

6 I assume we will schedule a
7 teleconference somewhere before February the 19th,
8 at which the Commission will endorse a final copy.
9 And we will have a copy of the final full text as
10 a package to act on and assure ourselves that the
11 Commission -- the staff rather, has assembled it
12 and made whatever changes that we want to see, and
13 that it is appropriate cover materials, and
14 perhaps a brief executive summary that probably
15 will be more viewed than -- by our legislators at
16 least, than the full multi 100-page document.

17 Are there any -- is there anything that
18 the Commission must anticipate to review for this,
19 other than materials we have gone -- that we'll be
20 looking at any fresh materials on February 8th?

21 MR. BOCKHORST: Again, Mr. Chairman --

22 MR. WARING: The study plan.

23 MR. BOCKHORST: Chapter 1 materials, I
24 will be getting those to the Commission at the
25 earliest opportunity. You just might also mention

1 that the Commission as a whole will be all
2 assembled in Anchorage at the Anchorage LIO
3 office. All members of the Commission will be
4 present.

5 MR. WARING: Let me double check. I know
6 that Commissioner Lynch and Commissioner Harcharek
7 were planning to come to Anchorage.

8 Commissioner Gardner, was that your
9 intent on December 8th, to be --

10 MR. BOCKHORST: February.

11 MR. WARING: Pardon me -- February 8th
12 to be in Anchorage with the Commission?

13 MS. GARDNER: Yes.

14 MR. WARING: Thank you. Then we are
15 scheduled for that meeting then at 9 o'clock on
16 February 8th. I'm delighted that everybody can
17 adjust their schedules to meet together.

18 I think there's one accommodation made.
19 We had discussed earlier our hope of perhaps
20 having local hearings on this. I think the
21 logistics and the time frame have made that
22 impossible to fulfill, however desirable it might
23 be.

24 And I'd also add though -- and this is
25 partly in the spirit of what Commissioner Tesche

1 has suggested -- we put in the cover letter for
2 distribution, we need to clearly define this as
3 a -- in the context of the legislative mandate as
4 a fact finding exercise by the Commission. It is
5 not a finding or a recommendation by the
6 Commission, that any particular action be taken.
7 We're really telling the legislature the answer to
8 the question it posed to us. And that is policy
9 considerations aside, what, given the facts and
10 given the law, are the Commission's finding as to
11 which area satisfied the standard.

12 The Commission itself -- you know, and
13 this is worth keeping in mind -- does not, and the
14 law does not take the position that the Commission
15 is obliged, even it finds areas satisfying all
16 conditions that we approve a petition for
17 incorporation. Always we have the option to --
18 the credential option to not approve a petition
19 even if standards are applied. Although,
20 certainly, we would want to have reason.

21 So I'm sure we all would wish to have a
22 fuller opportunity for local hearings. The
23 logistics and timing of the report don't allow it.

24 I think that given the fact finding
25 nature of the report, in any case, it is probably

1 more appropriate that the policy making body, the
2 legislature, be the focus of the policy issue,
3 that is at the root of the legislative concern in
4 this study. That's that.

5 That brings us to the annual report,
6 which has been circulated to staff. I actually
7 don't have my copy with me, Dan. For the benefit
8 of Commissioner Gardner and Commissioner
9 Harcharek, let me just explain our process.

10 We are required by statute to submit an
11 annual report to the legislature. Specifically,
12 we need to, in that report, forward to them any
13 recommendations that the Commission would make on
14 annexations that are subject to legislative
15 review, for example, the Palmer annexation -- and
16 to report on other matters of Commission activity
17 over the year.

18 So we've used that as a vehicle to
19 present those recommendations. We've also used it
20 as an opportunity to educate new legislators as to
21 the function of the committee. And where there
22 were significant policy issues that were within
23 the Commission's realm of responsibility, to make
24 recommendations to the legislature.

25 What you see in this report is that kind

1 of information; that is, the description of the
2 Commission's activities, and the review of the
3 Commission's function, and review of activities
4 over the past year. Those are recommendations
5 that the legislature has an opportunity to act on.

6 And finally, we do address a couple of
7 policy issues that -- regarding local government,
8 all of them issues that we have -- but one I think
9 that -- all of them issues that we've called to
10 the legislature's attention in the past. We have
11 not, in this report, spent a great deal of space
12 on the report that we were reviewing today,
13 simply, because that will be a stand alone item
14 that we forward to the legislature at a later
15 point. And this is due 10 days after the start of
16 the legislature?

17 MR. BOCKHORST: By the 10th day of the
18 session.

19 MR. WARING: By the 10th day. That said,
20 you have all had an opportunity to review the
21 draft. I would invite a motion and then
22 discussion as to whether we need to change it in
23 any way.

24 MR. TESCHE: Mr. Chairman, I move to
25 approve the draft as submitted.

1 MR. WARING: Commissioner Tesche has
2 moved to approve the draft annual report as
3 submitted for us by -- for our consideration by
4 staff. Is there a second?

5 MR. LYNCH: Second. This is Commissioner
6 Lynch.

7 MR. WARING: Seconded by Commissioner
8 Lynch. Is there any discussion? Commissioner
9 Tesche?

10 MR. TESCHE: Mr. Chairman, I have no
11 substantive changes to make. I do agree with you
12 that as a practical matter the submission of our
13 separate report as required by the statute last
14 year is probably going to supercede or take first
15 place, if you will, in the minds of legislators.

16 I think that will be the big issue that
17 we will be facing when we visits the legislature.
18 But as far as the report itself, it's fine. I
19 have no substantive comments on that.

20 MR. WARING: Any further discussion or
21 amendments? Hearing none then, we will vote on
22 the motion. Commissioner Tesche has moved,
23 Commissioner Lynch I believe seconded, that the
24 Commission approve the draft report for
25 finalization and submittal to the legislature in

1 fulfillment of our obligation to file an annual
2 report.

3 A vote yes is a vote to approve the draft
4 annual report. Mr. Bockhorst, please call the
5 roll.

6 MR. BOCKHORST: Commissioner Tesche?

7 MR. TESCHE: Yes.

8 MR. BOCKHORST: Commissioner Lynch?

9 MS. LYNCH: Yes.

10 MR. BOCKHORST: Commissioner Gardner?

11 MS. GARDNER: Yes.

12 MR. BOCKHORST: Mr. Harcharek?

13 MR. HARCHAREK: Yes.

14 MR. BOCKHORST: Commissioner Waring?

15 MR. WARING: Yes.

16 Then we have approved for submittal the
17 annual report. That concludes that item. Are
18 there any other -- and brings us to item 7 on our
19 agenda, comments from Commissioners and staff.

20 Do Commissioners have any comments or
21 matters that they want to discuss at this point?

22 Mr. Bockhorst?

23 MR. BOCKHORST: I do not, Mr. Chairman.

24 MR. WARING: Apparently, we have
25 concluded our business for the day. And so I will

1 thank all of those who listened in by
2 teleconference, Commissioners, staff for the sweat
3 of their brows. And we will adjourn this meeting.

4 (Proceedings concluded at 9:25 a.m.)

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REPORTER'S CERTIFICATE

I, ROSIE S. SCOTT, CSR, hereby certify:

That I am a Certified Shorthand Reporter
for Alaska Stenotype Reporters and Notary Public
for the State of Alaska; that the foregoing
proceedings were taken by me in computerized
machine shorthand and thereafter transcribed by
me; that the meeting constitutes a full, true and
correct record of said proceedings taken on the
date and time indicated therein.

Further, that I am a disinterested
person to said action.

IN WITNESS WHEREOF, I have hereunto
subscribed my hand and affixed my official seal
this 22nd day of January, 2003.

ROSIE S. SCOTT
Certified Shorthand Reporter
My Commission Expires
8/16/04